

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

Amendment of Section 73.202(b) of
the Commission's Rules and Regulations
Table of Allotments for FM Broadcast
Station KLCI, Princeton, MN

TO: Chief, Allocations Branch,
Policy and Rules Division

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AUG 12 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULEMAKING

Milestone Radio, LLC ("Milestone"), licensee of commercial FM broadcast station KLCI, Princeton, Minnesota, by its attorneys and pursuant to Section 1.401 of the Commission's Rules and Regulations, hereby petitions the Commission to amend the Table of Allotments, as set forth in Section 73.202(b) of the Rules, by changing KLCI's community of license from Princeton to Elk River, Minnesota.

A Commission grant of this Petition would serve the public interest because the proposed change will achieve a "preferential arrangement of allotments . . . result[ing] in a net service benefit for the communities involved." *Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, para. 2 (1990) ("MO&O"). Net service benefit is determined by applying the following enunciated FM allocation priorities to the current and proposed allotment schemes: (i) First full-time aural service, (ii) Second full-time aural service, (iii) First local service, and (iv) Other public interest matters. *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88, para. 6 (1982). The allotment scheme reflecting the higher priority will be retained. 5 FCC Rcd 7094, para. 2 (1990).

The Commission should grant the instant Petition and modify the Table of Allotments to

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specify Elk River as KLCI's community of license because, pursuant to the Commission's change of community procedures, the Elk River proposal qualifies for a higher allotment priority than the station's current Princeton allotment. The proposed reallocation will bring a first local service to Elk River, triggering allotment priority number three. The removal of KLCI from Princeton, however, triggers FM priority number four, because Princeton will retain a local transmission service, KLCI's sister station WQPM(AM). Consequently, the Elk River proposal results in a "preferential arrangement of allotments." *Willows and Dunnigan, California*, 10 FCC Rcd 11522, para. 15 (1995).

The Commission has granted a Petitioner's request when faced with facts similar to those of the instant case. In *Willows, California*, 9 FCC Rcd 1802 (1994), KQSC(FM) sought approval to change its community of license from Willows to Dunnigan, California. *See also* 10 FCC Rcd 11522 (1995). The move to Dunnigan resulted in that community's first local transmission service, which triggered priority three. *Id.* Willows, on the other hand, had another local transmission service, KIQS(AM), so the retention of KQSC(FM) at Willows would trigger priority four (other public interest factors). The Commission, therefore, found that "the reallocation to Dunnigan should be made because it triggers the higher allotment priority of a first local transmission service." *Id.*

Moreover, although the reallocation to Elk River should be made because it triggers the higher allotment priority of a first local transmission service, other public interest factors also weigh in favor of the Elk River proposal. For example, Elk River has a population of 11,143, while Princeton has only 3,719. In addition, because KLCI's transmitter location and power will remain unchanged, there will be no decline in service area or number of listeners reached.

WHEREFORE, the premises considered, it is respectfully requested that the Commission grant this Petition and issue a Notice of Proposed Rulemaking to amend Section 73.202(b) of the Rules to specify Elk River as KLCI's community of license.

Respectfully submitted,

MILESTONE RADIO, LLC

By:



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August 5, 1998

**ENGINEERING STATEMENT IN
SUPPORT OF PETITION
FOR RULEMAKING
CHANNEL 291C2 - ELK RIVER, MN**

**Milestone Radio, LLC
Princeton, MN**

July 24, 1998

**Prepared For: Mr. Dennis Carpenter
Milestone Radio, LLC
15395 91st Avenue, North
Maple Grove, MN 55369**

CARL E. SMITH CONSULTING ENGINEERS

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Channel 291C2 - Elk River, MN
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ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)


Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Milestone Radio, LLC, to prepare the attached "Engineering Statement In Support Of Petition For Rulemaking - Channel 291C2 - Elk River, MN."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **July 24, 1998.**



Notary Public

GAIL M. ELROD, Notary Public
Residence - Summit County
State Wide Jurisdiction, Ohio
My Commission Expires May 26, 2002

/SEAL/

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Milestone Radio, LLC, licensee of Radio Station KLCI(FM) - Princeton, Minnesota, which presently operates on Channel 291C2. It supports a petition to amend the FM Table of Allotments to change KLCI's community of license to Elk River, Minnesota. The data contained in this exhibit shows that Channel 291C2 can be reallocated from Princeton, Minnesota, to Elk River, Minnesota, for use by KLCI with no relocation of the KLCI transmitter site and no modifications to the present KLCI operating facilities.

The geographic reference coordinates for Elk River are:

NL - 45° 19' 57"
WL - 93° 33' 57"

This places Elk River within Zone II, as defined by Section 73.205(c) of the FCC Rules. Accordingly, as outlined in Section 73.210(a) of the FCC Rules, the allotment of a Class C2 Channel to Elk River is permitted. The present KLCI transmitter site is located 12.5 kilometers west-northwest of Elk River, at the following coordinates:

NL - 45° 23' 00"
WL - 93° 42' 30"

This site also falls within Zone II, permitting the operation of a Class C2 facility from this site.

Table 1.0 is an FM allocation study for Channel 291C2 which was conducted from the present KLCI transmitter site. As shown in this table, KLCI is presently short spaced to the licensed operation of WEVR-FM - River Falls, Wisconsin, which operates on Channel 292A, as well as to a construction permit held by WEVR-FM to modify their operating facilities. The present KLCI operating facilities were authorized pursuant to Section 73.215 of the FCC Rules and utilize a directional antenna to

provide the required contour protection to WEVR-FM. Since KLCI will continue to operate with its present operating facilities, including the present directional antenna pattern, if its community of license is changed to Elk River, it will continue to provide the required contour protection to WEVR-FM following this change in community of license.

Figure 1.0 is a map exhibit depicting the predicted 3.16 mV/m contour for the presently licensed operation of KLCI. This contour was projected utilizing the notified KLCI operating facilities, including the authorized directional pattern, from the FCC's FM engineering database and terrain data extracted from the NGDC 30 second terrain database. As shown in this figure, the present KLCI 3.16 mV/m contour encompasses the entire city of Elk River. Thus, operation with the present KLCI operating facilities would provide the required city grade coverage to Elk River.

Although KLCI would continue to operate from its present site if it is relicensed to Elk River, it is also necessary to document that a fully spaced allotment reference site exists for Channel 291C2 in Elk River. The proposed allotment reference site for Channel 291C2 in Elk River is located 19.8 kilometers west of the community, at the following coordinates:

NL - 45° 23' 00"
WL - 93° 48' 30"

This allotment reference site also falls within Zone II, permitting the operation of a Class C2 facility from this site.

Table 1.1 is an FM allocation study for Channel 291C2 which was conducted from this allotment reference site. As shown in this table, operation on Channel 291C2 from this site would comply with the spacing requirements to all facilities requiring protection consideration, with the exception of the present operation of KLCI on Channel 291C2 in

Princeton. This short spacing to the present operation of KLCI will not pose any problems since this channel will be deleted if Channel 291C2 is allotted to Elk River, as proposed herein. Furthermore, under the provisions of Section 1.420(i) of the FCC Rules, this conflict with the authorized operation of KLCI will permit the license for KLCI to be modified to specify operation on Channel 291C2 in Elk River, regardless of other expressions of interest which might be received.

Figure 1.1 is a map exhibit showing the predicted 3.16 mV/m (city grade) contour for operation from the allotment reference site specified above. This contour was projected assuming nondirectional operation with maximum Class C2 facilities of 50 kilowatts effective radiated power at 150 meters above average terrain, assuming uniform terrain. As shown in this figure, it will also be possible to provide city grade service to all of Elk River on Channel 291C2 from the proposed allotment reference coordinates. It should be noted that neither Princeton nor Elk River is located, either wholly or partially, in any urbanized area, as defined by the 1990 U. S. Census. Furthermore, although the present KLCI city grade contour encompasses small portions (well below 50%) of both the Minneapolis-St. Paul urbanized area and the St. Cloud urbanized area, the proposed reallocation of Channel 291C2 to Elk River will not increase the city grade coverage of either of these urbanized areas, since it is proposed to continue to operate with the presently licensed KLCI operating facilities following the reallocation of this channel to Elk River. Thus, no showing is required to document the independence of Elk River from either of these urbanized areas.

It should be noted that Elk River (population 11,143¹) presently has no local radio service. Thus, the proposal outlined herein would provide Elk River with its first local

¹All population data in this exhibit is extracted from the 1990 U. S. Census.

service, advancing the FCC's allotment priorities. Furthermore, the deletion of Channel 291C2 would not deprive Princeton (population 3719) of its only local service, as WQPM(AM) would remain licensed to Princeton.

Since KLCI will continue to operate with its presently licensed facilities following the reallocation of Channel 291C2 to Elk River, there will be no gain or loss area created by this proposed reallocation. Thus, there is no need to submit detailed information regarding the area and population of such gain and loss areas or the number of other full time aural services which would exist in such gain and loss areas.

In summary, Channel 291C2 can be reallocated from Princeton, Minnesota, to Elk River, Minnesota, to permit the KLCI license to be modified to specify Elk River as its community of license. This proposed reallocation will provide a first local service to the significantly larger community of Elk River, thus advancing the FCC's allotment objectives.

TABLE 1.0

FM ALLOCATION STUDY - CHANNEL 291C2 (106.1 MHz) - ELK RIVER, MN(PRESENT SITE)

MILESTONE RADIO, LLC
PRINCETON, MN

STUDY COORDINATES: 45/23/00 93/42/30

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
KNOF	St. Paul, MN	237	A	65.06	15.0	
KBEK	Mora, MN	238	C3	47.44	17.0	
KCHKFM	New Prague, MN	238	A	102.91	15.0	
KDDG	Albany, MN	288	A	74.94	55.0	
KRBIFM	St. Peter, MN	288	A	119.10	55.0	
KZNZ	Eden Prairie, MN	289	A	58.99	55.0	1
BPH970319MF	Siren, WI	289	A	111.45	55.0	2
KWNG	Red Wing, MN	290	C3	132.65	117.0	1
BPH970417MO	Belview, MN	290	A	140.21	106.0	2
KKWS	Wadena, MN	290	C1	163.78	158.0	
WEGZ	Washburn, WI	290	C1	255.76	158.0	
KLCI	Princeton, MN	291	C2	0.00	190.0	1, 11
KJOE	Slayton, MN	291	C2	242.50	190.0	1
KLSSFH	Mason City, IA	291	C1	253.58	224.0	
WEVRFM	River Falls, WI	292	A	99.70	106.0	11
WEVRFM	River Falls, WI	292	A	99.73	106.0	1, 2, 11
BPH941118MA	Spooner, WI	292	A	144.88	106.0	7
BPH941118MC	Spooner, WI	292	A	146.07	106.0	1, 7
BPH941121MF	Spooner, WI	292	A	147.12	106.0	7
ALLOTMENT	Spooner, WI	292	A	149.71	106.0	12
BPH941117MA	Spooner, WI	292	A	149.87	106.0	7
BPH970213ME	Sunburg, MN	293	A	111.22	55.0	7
BPH970212MF	Sunburg, MN	293	A	112.19	55.0	7
BPH970213MD	Sunburg, MN	293	A	118.86	55.0	7
BPH970213MA	Sunburg, MN	293	A	118.92	55.0	7
ALLOTMENT	Sunburg, MN	293	A	119.80	55.0	12
WJJYFM	Brainerd, MN	294	C1	128.92	79.0	
WATQ	Chetek, WI	294	C2	156.70	58.0	

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.0 (cont'd)

FM ALLOCATION STUDY - CHANNEL 291C2 (106.1 MHz) - ELK RIVER, MN(PRESENT SITE)

MILESTONE RADIO, LLC
PRINCETON, MN

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

TABLE 1.1

FM ALLOCATION STUDY - CHANNEL 291C2 (106.1 MHz) - ELK RIVER, MN(ALLOC REF)

MILESTONE RADIO, LLC
PRINCETON, MN

STUDY COORDINATES: 45/23/00 93/48/30

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
KNOF	St. Paul, MN	237	A	70.54	15.0	
KBEK	Mora, MN	238	C3	52.08	17.0	
KCHKFM	New Prague, MN	238	A	103.95	15.0	
KDDG	Albany, MN	288	A	67.73	55.0	
KRBIFM	St. Peter, MN	288	A	117.98	55.0	
KMGH	Montevideo, MN	288	A	154.79	55.0	
KZNZ	Eden Prairie, MN	289	A	62.58	55.0	1
BPH970319MF	Siren, WI	289	A	118.31	55.0	2
BPH970417MO	Belview, MN	290	A	133.70	106.0	2
KWNG	Red Wing, MN	290	C3	138.33	117.0	1
KKWS	Wadena, MN	290	C1	159.54	158.0	
KLCI	Princeton, MN	291	C2	7.83	190.0	1, 11
KJOE	Slayton, MN	291	C2	236.75	190.0	1
KLSSFH	Mason City, IA	291	C1	255.20	224.0	
WEVRFH	River Falls, WI	292	A	106.35	106.0	
WEVRFH	River Falls, WI	292	A	106.38	106.0	1, 2
BPH941118MA	Spooner, WI	292	A	152.21	106.0	7
BPH941118MC	Spooner, WI	292	A	153.57	106.0	1, 7
BPH941121MF	Spooner, WI	292	A	154.56	106.0	7
ALLOTMENT	Spooner, WI	292	A	157.09	106.0	12
BPH941117MA	Spooner, WI	292	A	157.23	106.0	7
BPH970213ME	Sunburg, MN	293	A	103.39	55.0	7
BPH970212MF	Sunburg, MN	293	A	104.36	55.0	7
BPH970213MD	Sunburg, MN	293	A	111.03	55.0	7
BPH970213MA	Sunburg, MN	293	A	111.09	55.0	7
ALLOTMENT	Sunburg, MN	293	A	111.97	55.0	12
WJJYFM	Brainerd, MN	294	C1	125.97	79.0	

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.1 (cont'd)

FM ALLOCATION STUDY - CHANNEL 291C2 (106.1 MHz) - ELK RIVER, MN (ALLOT REF)

MILESTONE RADIO, LLC
PRINCETON, MN

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
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